# SURPRISE IS SPRUNG AT PARK BOARD'S MEETING

President Questions Legality of Arabian Fair's Success Is Made Fellow-Members' Acts in Authorizing Shelter Houses.

'Appropriations Exceed the Supply of Available Cash and a Controversy Ensues.

An unexpected break in the usual routine of a meeting of the Board of Park Commissioners came yesterday morning when President Hiram Brown, who was appointwas but recently elected president of the giving contracts for building shelter houses in Riverside and Military Parks. President greater than its appropriation for the year,

SURPLUS IS EXCEEDED. President Brown's statement to the board mained of the board's annual appropria-\$20,753.38. This latter sum would have to come from the appropriation for 1904, and

rum. Wacker has already received one payment on the contract, but if further payments are opposed by President Brown, he will probably involve the board in a vexing legal controversy.

BROWN'S ACTION NOT UNDERSTOOD. ever, signed the final papers on the con-

Col. M. A. Downing, now president of the Board of Public Works, but president of the Board of Park Commissioners last September, said last evening regarding President

"I can see no reason for Mr. Brown's action. If the board were charged with expending the money unwisely, or without regard to the good of the public, then there would be ground for complaint. But when the Park Board made the contracts for the two shelter houses it knew that Council had appropriated \$100,000 for its use in 1994 ich, with the \$19,000 then on hand, would be more than enough to pay for the buildings. The Garfield Park shelter house was several years in building, and was paid for out of more than one year's appropriation, and the same practice has been indulged in by the board since its organization. POWER VESTED IN ACT.

"It must be remembered, too" added Col. Downing, "that the Board of Park Commisbut under a special act of the State Legislature, passed in 1899. The Park Board is placed on other boards in this particular, and the right of the board to do the thing to which Mr. Brown objects has never before been questioned. I never heard of such a

thing before." President Brown objected yesterday to the payment of bills for various materials or services, such as light and fuel, presented to the board in November and December of last year, but the bills for which were not sent to the clerk of the board until this month. President Brown stated that he objected to the payment of last year's bills out of this year's appropriation, and refused to sign vouchers for the bills until he had consuited the city attorney on the matter.

The board granted a thirty days' vacation to J. Clyde Power, superintendent of parks.

# STATE'S EXHIBIT

AT WORLD'S FAIR

Williamsport, was in conference yesterday iamsport, and who is chairman of the educational committee of the Indiana exhibit at the world's fair, reports great progress | ered a judgment for \$1,400 yesterday in State's snowing will be superior in every

separate display and various State institums will also be contributors to the exwine spent Thursday and Friday in attending to business matters here in connection with the exhibit.

## SALVAGE CORPS HOP AT TOMLINSON HALL

Superintendent Herman Newman, of the Merchants' Salvage Corps, is arranging for an entertainment and social hop to be held three well-known professional entertainers have volunteered their services.

The salvage corps was organized in 1901 sitating the purchase of a new supply. The | parents in Columbus, and the little girl entertainment is to be given for the pur- had not reached there. She has not been pose of securing funds for equipping the scen at the Union Station. corps. A committee of business men have the matter in charge,

## LOCAL PHYSICIANS TO VISIT HOSPITALS

and best equipped possible, Drs. Henry Jameson, Frank Wynn and L. H. Dunning have been appointed a committee to inspect all the best hospitals in the East. The committee will start at an early date and will visit the principal hospitals in Chicago. STATE GUARD OFFICERS Philadelphia, Boston, New York and other cities. It is also the plan now to obtain more land adjoining the proposed site of the aospital for more improvements that may be made and for air space.

## GUN PLAY HAS SEQUEL IN CITY POLICE COURT

Milton Cross, who created comment several weeks ago by indulging in some promiscuous shooting near the Thirtieth-street bridge, was fined \$5 and costs for intoxication and drew a like fine from Judge Whallon for shooting in the city limits, in Police Court yesterday morning. Albert Wampohl, who conducts a saloon near the bridge, was fined \$10 and costs for violating the Nichol- | spent the night in police station. The cold

# Woman Dies of Tuberculosis.

Mattle Hoit, aged thirty-eight years, died yesterday at the Poor Farm of tuberculosis. She was admitted thirty days ago. Her lin, was notified of her death.

# SHORTRIDGE SENIORS JOIN PROFIT TO PLEASURE

Possible by Students and Fair Co-Eds.

Like a scene from the Orient, with all the varied coloring and peculiar style of dressing, with Oriental draperies tastefully hung around the walls, the halls of the Shortridge High School presented a beautiful sight last night at the opening of the Arabian fair, given by the senior class of the

Transferred for the time being into young naidens from Arabia, the girls of the class of the Shortridge High School have many times presented beautiful pictures, but it is doubtful if the scene last night has ever

Scores of high school lads wearing uniforms of many colors and sizes represented The "culprit" was taken before a judge, who dispensed justice in all varieties to those who were brought before him. An would get off with a 5-cent fine, while one who was arrested for the very serious charge of not bringing at least two friends to the fair would be fined ten times that

ishings. Up and down the halls flitted a bevy of pretty misses, selling everything from Shortridge banners to chocolate fudge, and one could not escape them without purchasing some article. The entrance to

BANNERS AND FUDGE SOLD.

questionably void, but that he did not and directly under the "Streets of Bagdad" noises were heard. Little imps glided noiselessly about, and the entire cave was weak nerves.

On the upper floor of the school was the promenade hall, and here were booths PINK CARNATIONS where lemonade, cream and cake were dispensed. They were liberally patronized. Many of the Manual Training High School tudents were in attendance at the fair and good-fellowship prevailed. The '04 class cleared about \$150 last night. The following rogramme was presented: "Arabian Dance," Shortridge Orchestra; When Johnny Comes," Mandolin Sextet, Edward A. Honnecut, Harvey B. Stout,

Louis A. Lieber, Paul Merril, John Sheets, Otis R. Calvin; sketch, "Those Happy Days," written by Floyd Payne, presented by Floyd Payne and Tod Allison; contraito selection, Mary Traub; monologue, Alfred Brandt; whistling solo, Zella Spence; playand Frank Doudican; musical, Mrs. Hugh McGibeny; "An Afternoon with Virgil," by Albert Aronson, presented by Frank Doudiand Mose Aronson; March," Shortridge Orchestra. The Arabian fair will continue this aft-

ernoon and to-night. A clever vaudeville programme will be presented this afternoon. The much talked-of "Arabian Wedwith Jeannette Alexander as the dom seen without one of the little flowers bride and Frank J. Doudican as the groom. will take place to-night.

### MOVEMENTS OF MEN IN THE STATEHOUSE

Chief J. M. Johnson, of the State Bureau of Statistics, is confined at home with ill-

State Treasurer Nat U. Hill is at his home in Bloomington. He will return to his office Monday.

Secretary J. N. Hurty, of the State Board of Health, has returned from Philadelphia, where he attended the meeting of the National Tuberculosis Congress. Superintendent of Schools J. H. Tomlin, of Shelbyville, was a visitor at the offices of the State superintendent of instruction

State Superintendent of Instruction F. A. Cotton will go to Terre Haute to-day, where he will attend a session of the board of trustees of the State Normal School, of Lieutenant Charles A. Dority, U. S. A. called on Governor Durbin at the Statehouse yesterday.

VERDICT FOR \$1,400 SECURED BY ECK

William A. Eck, who received serious incompany and the railroad company, recovday morning. On the first ballot the twelve The schools of Indianapolis will have a except David Powell were willing to award damages ranging from \$3,000 to \$10,000. Powell was unwilling to give over \$1,000 unhibit at the world's fair. Chairman Good- til yesterday morning, when a compromise was reached.

### BLUE-EYED GIRL LOST ON HOMEWARD JOURNEY

Somewhere between this city and Ham- o'clock to-morrow in the guildroom. ilton, O., a little blue-eyed girl, carrying a doll, is lost. The little one is Marie Alexander, the daughter of Louis O. Alexander, at Tomlinson Hall on March 24. Several | a conductor in the employ of the Indianmusical numbers will be on the bill and apolis Traction and Terminal Company, living at 510 West New York street. The baby girl, wearing a tag, with the words, "Louis Alexander, Indianapolis, Ind.," painted on it, was on her way from and has responded to more than one-half Toledo, O., to join her father in this city. of all of the fire alarms since September of | She was last seen at Hamilton, O. At the that year. The tarpaulin covers used by the | residence of Alexander it is said that he corps have been quite roughly used, neces- left several days ago for a visit with his

## AMATEUR DETECTIVES LAND MAN IN PRISON

Andrew Sears was brought to this city With the aim to make the New Methodist from West Newton yesterday by Deputy nership with his son George Denny, who tends manufacturing, the question of liv-Hospital, which is to be erected at Sixteenth | Sheriff Lewis and placed in jail. He was | has been with the old firm since his grad- ing is a serious matter. The cost of mainstreet and Capitol avenue, the most modern | captured by members of the Horse-thief | Detectives' Association at West Newton. Sears was in a fight at Maywood several months ago and escaped. He was arrested immediately after his return.

Adjutant General John R. Ward, Quartermaster General Oran Perry and Capt. Raymond P. Van Camp returned last night from St. Augustine, Fla., where they attended a meeting of the National Guard Behymer will sing. After the service there Association last Saturday. They report the | will be an informal social half hour, and tea meeting of the association one of the best | will be served the guests paying a fee of in the history of the National Guard.

# Arrest of Hobos.

Indianapolis is hostile to members of the great unwashed fraternity. Between the hours of 6 o'clock last evening and midnight nine hoboes had been arrested and weather also seems to be good for the sathe devotees of Bacchus were arrested and | funeral will be held at Dublin Sunday. the usual number of loiterers.

delighted with the results.

# SNOW CRUSADE CONTINUES AND MEN AND TEAMS ARE BUSY

Force of Men Sent Out by the Street Commissioner's Department-Statehouse Walks

consequence, the street surrounding the

plied with, is the State of Indiana. The of those who have given the matter at-

# THOUSANDS ARE SPENT FOR CLEANER STREETS

Year's Operations in Municipal Improvements.

East Tenth-street line, along Brookside avenue to Sherman drive and back to East Public Works yesterday. The petition bore The board received the 1903 report

A petition for a street-car loop from the

to the street repairers in wages. The men of the bridge gang built 206 new foot were three times that amount and even bridges, eighty-three culverts and twenty larger bridges in all parts of the city. This Mayor Holtzman and City Attorney War- the cave, lights flickered, and unearthly pay roll amounted to \$7,200.19. The sewer presented to show the probable effects of gang was paid \$10,733.00, and made repairs | the St. Louis fair. amounting to \$913.56. Repairs and improvean undestrable place for a person with state of fountains and wells amounted to

> WORN AS TRIBUT Indianapolis Citizens Show Respect to the Memory of Wil-

> > liam McKinley.

Hundreds of Indianapolis citizens yester- KITTIE E. GWIN ASKS William McKinley by wearing pink carnaet, "Sunset," Laura Arnold, Edna Bennett | tions, Jan. 29 is the anniversary of the "Tenderfoot a general movement was started for the anof President McKinley, and during the last

> on his coat lapel. In other cities throughout the country the day was similarly observed. In Indianapolis the leading Republican organizations, led in the observance of the custom, but it was a striking tribute to the general regard borne the martyred President that scores of Democrats as well as Republicans were the

## CITY NEWS NOTES.

Vincent Roseman, commissioner of deeds for Indiana in New York, has resigned. Governor Durbin accepted the resignation

The various State boards having in charge the State institutions met in regular session at the State Capitol yesterday. Bids were awarded for supplies for the

Mrs. Dr. S. P. Stoddard died last Wednes day. The funeral will be held this morning at 10 o'clock from the residence, 715 North Delaware street. The interment will be at

The Indianapolis Ministers' Association will meet in the Y. M. C. A. building on Monday, Feb. 1, at 10 o'clock. The Rev. J. A. Knowlton will read a paper on "A Study of Isaiah and His Prophecies.' Officials in the office of the State Board

of Health are preparing the annual report | of Dr. J. N. Hurty, the secretary, for publication. It will contain statistics which were incorporated in the board's monthy The first weekly Friday evening social of the Young Women's Christian Association

was held last evening in the Association Hall. Mrs. Donnan gave readings, after last St. Patrick's day, and who brought a which the evening was spent socially. Re-

"The Law of Harvest, the Law of Desat the Central-avenue M. E. Church to-morrow morning. The musical programme will include a duet by Misses Butler and Grimm and a baritone solo by Mr. Martens.

A social will be given by St. Albans' Mission for Deaf Mutes in the guildroom of Christ Church this evening. The Rev. and Mrs. Charles O. Dantzer will be present, The Rev. Mr. Dantzer, missionary for deaf mutes in central New York, will hold services and holy communion at 10:30 and 3

Local philatelists, of whom Indianapolis come Mr. Warren Colson, of Boston, who 4. Mr. Colson is one of the two traveling salesmen sent on the road by American firms dealing in stamps and calls on Indianapolis collectors once a year.

Church. The service will be preceded by the by Mr. Raymond Lynn and Mr. Louis ish language, the character of the nathat Walked in Darkness," from Handel's | with regard to taxation imposed upon all "Messiah." There will also be several quar-

Announcement was made yesterday that the law firm of McBride & Denny, which was formed eleven years ago, has been dissolved. The firm is composed of Judge Robert W. partment of the State Life Insurance Company and Mr. Denny will form a partuation in 1902.

Rev. S. C. Hughson of the Order of the Holy Cross will preach a series of sermons "The Christian Faith" at St. David's Church, Talbott avenue and East Twentyfirst street. Sunday to Thursday evenings, inclusive, beginning at 8 o'clock. On Sunday at 11 a. m. Father Hughson will preach and at 3 a. m. he will talk to children. On RETURN FROM FLORIDA | the week-day afternoons he will give devotional addresses to women.

The usual gospel services will be held tomorrow afternoon at 4 o'clock at the Young Women's Christian Association, and will be led by Miss Cornelia Souther, the new secretary of the local branch. Her subject will be "How to Be Happy." Mrs. Rhea Hall any members or friends of the association after the service.

Aged Teacher Is Dead. Miss Martha A. Demree, of Dublin, Ind., who had been visiting her sister, Violet A. Demree, a teacher at the Manual Training High School in this city, died suddenly loon keepers, to judge from the number of early yesterday morning in the latter's inebriates slated by the police. Several of apartments, 36 Wyandotte block. The he prefers the American, English, German own verdict. Miss Demree was born in Gettysburg, therefore put fictitious foreign brands on Pa., in 1828. For many years she taught | their goods. in the schools at Dublin. Two sisters, father, who is believed to be living in Frank- Austin's Pancake flour, and you will be lin, and a brother, David P. Demree, of extent unheard of anywhere else on this an injury or death of their minor child. 2. | scale? I Dublin, survive.

# COMMERCIAL CLUB TO FIGHT FOR STATE FAIR

Figures in Report Show Extent of Effect of St. Louis Exposition Is Discussed by Members and Secretary Downing.

> An understanding has been reached be and the Merchants' Association that the tion and that the latter shall look after the army post site. This division was made

Secretary Downing, of the State Board postponed until Monday morning at 9 of Agriculture, met with the directors of o'clock, when the argument will be heard.

The Hotel Keepers' Association will take up the question of appropriation with the committee from other business organiza-At the meeting yesterday H. U. Brown, C. H. Badger and Hugh J. McGowan were State Board of Agriculture and to use every legitimate means to secure the fair for this year. Should the board decide to hold the fair this year as usual the officials of the St. Louis exposition may be asked to change the date of Indiana day, which is now set for Sept. 17. This day would come

# COURT FOR DIVORCE

during the week of the State fair.

In a petition for divorce filed yesterday by Kittle E. Gwin against Millard F. Gwin it is charged that the defendant struck the few years of his life especially he was sel- Mrs. Gwin that when her sister lay dead in the plaintiff and said that if things did not change she might die. The plaintiff asks that she be granted a divorce and that her husband be required to pay \$5 a week for the support of a minor child, Clara B.

## BOOMING MEXICO.

It Is Said That the Boomers Are Overdoing the Thing.

City of Mexico Letter in New York World. Mexico is advancing in all industrial lines, and as compared with the Mexico of only ten years ago the transformation is surpris-

For many years the Mexican government has sought by various means to tempt the the dormant resources of the country. Railroad projectors were encouraged and subsi dies were liberally advanced. The great Mexican railroad systems have done move than all else to place the republic on a solid inancial foundation

The chief railroad systems of Mexico are operated by Americans, and through them literature by the ton, descriptive of the wonderful commercial possibilities of Mexico has been disseminated throughout the United States, England, Germany and France. Be Mexico. But a knowledge of the true condi tion of affairs inspired by a protracted stay in the country will convince the most skeptical that the incentive to the newspapers in thus fit the foreigner who contemplates casting his lot in the land of the Aztec, but is due

bountiful stipend. Much of this descriptive matter, whether and business opportunities for the delecta-

York and Chicago. There is one thing, however, which these publications do not err in, and that is the physical conformation of the republic, the scenery and the climate. To the newly arrived tourist Mexico is a land of sunshine wretched poverty are looked upon with a has a goodly colony, are preparing to wel- will be the awakening to the stern reality of the true character of these seemingly is to be at the English Hotel about Feb. | meek and lowly people in the event of the tourist becoming a permanent resident. Mexico is growing, but there is no boom; and the manufacturer or investor in the United States whose interest has been There will be a special musical service to- awakened by a persual of the literature remorrow evening at the Second Presbyterian | ferred to will do well to investigate carefully before committing himself to any enusual fifteen minutes' organ recital, and terprise in this republic, however alluring other special musical features will be solos | the prospect. Inability to speak the Span-Dochez, Mr. Dochez will sing "The People | tives, the requirements of the government industrial enterprises, seriously handicap the newcomer.

Needless to say, Mexico is not the country for the laboring man, for the reason that there is so much native unskilled labor there, the result being that wages are McBride and Caleb S. Denny. Judge Mc- so low that the negro from the Southern Bride will become counsel for the loan de- States would not have a competitive chance.

For the man of limited capital who in taining an American family in Mexico City, for example, living about on the same scale as in the United States, is materially higher. Unless one goes to the one or two | tension of time filed and thirty days first class hotels it is difficult to obtain granted. such food as the average American family is accustomed to in his own country. As liam E. Black, treasurer. Appellant's petia matter of fact, many of the table com- | tion for extension of time granted and case modities used by resident Americans are postponed to March 5, 1904. imported from the United States-such as | 20196. Winfield S. Sowers et al. vs. C., R. butter, cheese and canned goods. Meats, & M. R. R., et al. Appellants' petition for | the line. vegetables, fruits, all differ in taste from extension of time and consent of appelled those in the United States and cannot be | filed. compared to the latter. Rents are high and servants are inefficient and unreliable. There is nothing portable within sight of | filed. the average Mexican peon, male or female. that is safe.

Failures in business are of daily occurrence. Not a few enterprises have been com- part having no necessary relation to the 5 cents. Miss Souther will be glad to meet | menced in Mexico City, some of them at other, each resting upon a consideration enormous expense, in the form of valuable | peculiar to itself, and independent of the imported machinery, and which after a few other, the buyer thereof being injured by months' desultory operations have been reason of such articles not conforming to abandoned or seized by creditors. It is but a short time ago that the great | the subject of one part and tender the con-American house of Swift & Co. constructed | sideration or benefit received, and may an enormous packing plant in Mexico City. | treat another part as rescinded at law. 2. After a brief career the plant was aban- In an action to rescind a part of a contract doned and it stands a wreck to-day. The average Mexican has no faith in goods manufactured in his own country;

or French imports. Many manufacturers

# WILLIAM F. FOLKENING NOW IN THE ASYLUM

His Son Petitions to Be Appointed Guardian of Estate Worth \$8,000.

COURT VARIOUS CASES

Ellis C. Folkening, a traveling salesman of this city, yesterday filed a petition with Probate Commissioner Walker to be appointed guardian of his father's estate, valued at about \$8,000. William F. Folkening the father, was a well-known drayman of this city, hauling for many of the large wholesale houses on South Meridian street. His mind became unbalanced about a year

ing confined at the asylum Folkening imagines that he is a noted preacher and has delivered a number of sermons.

### JUROR THOMPSON ILL AND CASE IS DELAYED

At 9 o'clock yesterday morning, when the came impatient and issued a bench warrant for Thompson and placed it in the hands of a deputy sheriff. The deputy sheriff returned at 11:30 and reported that Thompson had pneumonia and

## KATE PRIMUS SUES OFFICER AND MINER

was in a critical condition. The case was

Kate Primus yesterday brought a \$5,000 damage suit against Samuel Gerber, of the a mine worker, who has been attending the defendants arrested and falsely imprisoned stealing \$25 from Means. The plaintiff says that Gerber arrested her at the instigation of Means on Jan. 20 and confined her in the station for three days and nights awaiting trial in the Police Court. She says she was discharged in court, there being no evidence

## THE COURT RECORD.

SUPERIOR COURT. Room 1-John L. McMaster, Judge. William Eck vs. Indianapolis Traction & Terminal Company, et al.; damages, Jury returns verdict for plaintiff and assesses his damages at \$1,400. Arabella Hubbard vs. William Long et al.; on note. On trial by jury. Room 2-James M. Leathers, Judge.

Louisa Heimbaugh vs. Empire Coal Company; damages. On trial by jury. Room 3-Vinson Carter, Judge. James E. Boyce vs. L. E. & W. R. R. Company et al.; damages Jury returns verdict for defendants. Ellen Fletcher vs. City of Indianapolis; injunction. Case dismissed. Jundgment vs. plaintiff for costs.

Irvin M. Meyers vs. Indianapolis Traction and Terminal Company; damages. Judgment on verdict vs. defendant for \$1,500 and Morton Groves vs. Solomon Meyers et al. conversion. Cause compromised and settled. Judgment vs. defendant for costs. Harry W. Hawkins vs. American Car and Foundry Company; damages. On trial by

CIRCUIT COURT. Henry Clay Allen, Judge. Herman F. Niesmann vs. Arthur Jordan Company; damages. Jury returns verdict vs. defendant for \$30. CRIMINAL COURT.

Fremont Alford, Judge. Erza Fletcher, assault and battery to rob. Evidence heard and case continued until Monday morning. Badischer Untersuetzungs Verein vs. Charles I. Canine et al.; suit on note. Superior Court. Room 1. Mamie Mitchell vs. William Mitchell; divorce. Superior Court, Room 1

Kate Primus vs. Samuel Gerber et al.; complaint for damages. Superior Court, Kittie E. Gwin vs. Millard F. Gwin; divorce. Superior Court, Room 3. City Bond Company vs. Solomon C. M Horney et al.; complaint on improvement

### lien. Superior Court, Room 2. HIGHER COURTS' RECORD.

SUPREME COURT. Henry C. C. Reversed. Monks, J.-1. Emrather to a sense of loyalty to the giver of a | their work on cars or trains of their em-Over 12,000 insurance agents' annual cer- railroad or newspaper literature, is exag- and if injured while being so carried by tificates are being sent out this week from gerated. "Marvelous Mexico, the land of the negligence of a fellow servant the emthe office of the auditor of state. Actuaries untold wealth in gold and silver, in rubber, ployer is not liable therefor. 2. Conclufor this State's exhibit. Superintendent Cot- Judge Carter's court. The case was given and clerks are also compiling the annual cotton, sugar, timber—the land for the mod- sions in a pleading are not admitted by a is issued descriptive of Mexico's progress | no knowledge of such incompetency. 4. In 1901, it is necessary to allege among other things that the injured employe was conforming to the order or direction of some person in the service of the corporation, to | to conditions under which we formerly had whose order or direction he was bound to to exist." conform, and did conform, and that while and song, a joy forever. The natives in their | conforming to such order or direction he was injured by the negligence of the emsort of sympathetic curiosity. But how rude | ploye to whose order he was conforming. cise of ordinary care could know, of any defects or imperfections in the place, ways, machinery, appliances, tools or other things about which he is employed, or the want of capacity or the negligent habits of a fellow servant, and continues in the service without objection and without a promise of change, is presumed to have assumed the risks resulting from such defects or imperfections or fellow-servant's want of capacity or negligent habits, and cannot reection against an employer for injuries sustained by reason of defective appliances, etc., it is error to instruct the jury that the knowledge thereof by the injured party is limited to actual knowledge. 20105. Buck vs. Beach. Warren C. C. Appellant granted additional time until 20205. Chase vs. Chase. Benton C. C. Apsellant granted thirty days' additional time from Feb. 13, 1904. 20176. Sowers vs. C. R. & M. R. R. Miami

> 20205. Moses Fowler Chase vs. Frederick S. Chase. Appellant's application for ex-20105. James Buck, trustee, etc., vs. Wil-20186. James B. Clow et al. vs. John S.

C. C. Appellant granted thirty days' ex-

tension of time.

3231. Weil vs. Stone. Allen C. C. Affirmed. Manufacturing in many lines is overdone. | Henley, C. J.-1. Where a contract for the sale of different articles is divisible, one the standard as agreed upon, may retain

APPELLATE COURT.

4406. Chicago, etc., Stone Co. vs. Nelson. Where a husband deserts his family, sec- cause for a reduction. Drunkenness and the most abject pov- tion 267, Burns, 1901, gives the wife of such

# The Sunday Journal's Prize Winners

Following are the winners of the prizes offered for the best solutions of the "Bicycle Rider" and "Hidden City" puzzles in the Sunday Journal's Color Magazine Supplement on January 3.

### Winners Will Always Be Announced the Third Week After Appearance of Puzzles

MARIE STONE	Ind
PUTH BOAG	Ind
PAUL GOLDRICK2301 N. Capitol avenue, Indianapolis.	Ind
O F BARRY30 Frank avenue Indianapolis.	Ind
JACK MEYERS	Ind
E POGERS	Ind
REED SPRAGUE1013 W. 29th streetIndianapolis,	Ind
DIVETT DEDMAN 35 The Lexington Indianapolis	Ind
PAUL W. BOWMAN 1019 E. Pratt street Indianapolis,	Ind
O. BANSIndianapolis,	Ind
H. R. HYMAN	Ind
AMMA KEELER	Ind
LELA MAYFIELD1205 Bellefontaine street Indianapolis,	Ind
JOSEPH DE ACTUMAN J Orphan Asylum Indianapolis.	Ind
JESSIE W. SLOUGH350 Dearborn street Indianapolis,	Ind
FRANCES B. McCREA154 W. Washington street, Shelbyville,	Ind
O. OREBAUGHShelbyville,	Ind
JOHN SPARKSSummitville,	Ind
JOHN SPARASAurora	Ind
A. D. COBB	Ind
E. A. COBBColumbus,	Ind
E. A. COBB	Ind
L. C. McADAMS	Ind
LENA MINCER 1333 S. B street Elwood,	Ind
LENA MINCER Anderson	Ind
LEWIS TRACY	Ind
HOWARD A. NEWSOM Carthage,	Ind
DONALD MITCHELL739 E. Washington street Martinsville,	Tod
A E. SCHAFERRichmond,	Inc

The City that is hidden in the Barber's Sentence "Boss, here is a perplexing tonsorial problem, which is too hard for me to tackle!" is "Lexington."

The problem of the Bicycle Rider who rides a mile in two minutes with the wind and a mile in three minutes against the wind, bothered almost all the puzzle solvers. Most of them averaged the two times and answered that without any wind at all, the rider would go a mile in two and a half minutes. This is not correct. With no wind at all, the rider would go a mile in two minutes and twenty-four seconds. A curious thing about the replies to the Hidden City Puzzle is that although it seemed an extremely easy one, a great majority of the answers were that the hidden city was Boston; yet the word Lexington is very plain. Owing to this fact, comparatively few readers guessed the correct answers.

Five Cash Prizes of \$1.00 are Awarded Each Week to the best, clearest, or most concise answers received, and a puzzle book to the other correct answers.

The puzzle books are just the thing for those who are interested in such matters, and when the other volumes which are to follow are issued, they will make the best collection of puzzles and tricks ever brought together, and as they cannot be procured in any other way, only the clever folks can obtain them. Prizes will be changed from time to time.

I will always be pleased to hear from the young folks and to receive contributions of original puzzfes, mathematical and geometrical curiosities, bright conundrums, etc.

PUZZLE EDITOR, The Journal.

injury received, where under the circumstances the employer assumes all the ordinary risks and dangers to the employment, the complainant must allege that the injured party had no knowledge of the dangers which confronted him and caused the

Smith vs. Sutton. Randolph C. C. Dismissed. Black, J.-Rule 3 of this court prescribes requirements with the force of law, and cannot be ignored or its violation treated as a matter of no importance. 4512. Mercer vs. Coomler. Hancock C. C. Appellant petitions for rehearing. 4896. Knowlton vs. Smith. Jay C. C. Appellant's motion to dismiss postponed till

final rehearing. 4879. Indianapolis Street Railway Com-pany vs. Charles Antrobus. Appellee's brief filed. 4997. Union Traction Company, of In-

diana vs. Martin Sullivan. Appellee's plea for extension of time and petition for additional time granted. 5050. Melvin W. Demorest, treasurer, et al. vs. William H. Haldeman et al. Appel-lants' petition for oral argument filed. Jeannette G. Johnson et al., executors, vs. Mary S. Sherwood. Appellee's

MINERS AND OPERATORS

SUBMIT THEIR DEMANDS

AND COMMITTEE BEGINS (CONCLUDED FROM FIRST PAGE.) ask for a modification in machine mining and that the coal mined shall be paid for on a straight run-of-mine basis. We expect to demand a run-of-mine basis until we get it, for we believe it to be the only honest way of weighing coal. Let me say for the benefit of the public, who may be misled, that we do not get 90 cents per ton of pick coal in the Hocking Valley, as the Operators (Prin'p'ls.) contract calls for. It is merely a paper scale. It amounts to 61 cents per ton. What | H. L. Chapman. ton was gratified with Chairman Goodwine's report, and it is expected that the
State's showing will be superior in every

to the jury at noon on Thursday, but a verwill be issued in a few weeks.

and clerks are also complling the annual cotton, sugar, timber—the land for the modstore and clerks are also complling the annual cotton, sugar, timber—the land for the modstore and clerks are also complling the annual cotton, sugar, timber—the land for the modstore and it is expected that the
dict was not reached until 11 o'clock yester—
will be issued in a few weeks.

T. E. Young.

W. K. Field. line of industry"-this is a sample of the special facts alleged. 3. Where it is Pennsylvania regions, where there is a dif- W. K. Field. men were for the plaintiff, and all of them tiny," will be the Rev. Dr. Kellogg's topic four quarters of the earth from the offices jury, for which he brings the action, was tion in wages, it doesn't mean that more of the Mexican trunk lines and the news- caused by the incompetency of a fellow coal will be burned. It means that the repapers. Much of the printed matter which servant it must be avered that plaintiff had | ducing power will be lessened. Even if you could offer us a reduction in the cost of order to make a good complaint under the living, we could not see our way clear to tion of American readers originates in New | second subdivision of Section 7083, Burns, | accept it. The time will never come again when the miner will have to ask for charity. We are better now than we have ever been in our lives, but we will not return

Mr. Bogle, of the operators, then came forth and argued in behalf of the reduction. He said that he believed this convention would prove the crucial test of the in-. An employe who knows, or by the exer- terstate movement, for the times made it one of the most important conferences ever held in the world. He declared that the scale now being paid the miners is higher than ever before in the competitive district and relatively higher than any scale paid in any industry in the world in the "Your wages," he said, "have past year. been four-fold greater than have been our returns. The reason for this was because of the most phenomenal period of commercial activity in the world's history. But the over for injuries caused thereby. 6. In an price of labor went too far. We have reached the crest of the wave and are now | J. H. Garaghty. slowly but surely descending on the other side. This convention has a condition to face. If Mr. Mitchell can show me that a reduction will work a hardship on the miners, my voice will be silenced." Mr. Bogle pointed out that competition on the part of outlying States is making it impossible for the competitive operators to carry on their business and that unless the cost of production is cut down they will be forced to close their mines and throw one-half the miners out of work. LEWIS IN THE ARENA.

At the afternoon session the argument was taken up again by Vice President Lewis, of the miners, who said that he would not admit that there had been a shrinkage in values during the past year. He declared that the operators could not expect to readjust the wages of the miners unless there was a readjustment all along In a somewhat long and forcible speech

H. L. Chapman, of Ohio, gave further ar- | ference and secure subscription funds. The gument for a reduction. "The conditions of Brown et al. Appellants' reply and brief | labor." he said, "depend for their success | Lukins, Joseph Freeman, T. W. Guthrie and on the conditions of other industries. No George Magoon, of the operators; W. D. industry is such a barometer as the iron Ryan, John Cole, W. H. Haskins and Wilindustry, and you know that no manufac- liam Doods, of the miners. turer of iron can produce the manufactured material at the present cost of labor and get a new dollar for an old one. The time has come," he declared, "when the operators are met face to face by the fact that there must be lower prices,

After an argument against a reduction by William B. Wilson, Mr. Robbins and Mr. Mitchell engaged in a passage at arms. Mr. Robbins made a proposition in support of the operators would accept 70 per cent. of where part of the goods purchased are re- the profits of last year's income and would to work pending an investigation. turned, the market value of such articles is turn the other 30 per cent. or all excess over immaterial. 3. A jury cannot impeach his to the miners. Mr. Mitchell arose and said they could not, of course, think of any proposition like that, and could not, from Owen C. C. Reversed. Wiley, P. J .- 1. argument so far advanced, see any just

"Do you think," said Mr. Robbins, "that In an action against an employer for an "It depends upon who you mean by the

public," replied Mr. Mitchell. "If you mean "I mean the general public."

"Yes, I think the public will be satisfied."

said Mr. Mitchell. "Well, Mr. Mitchell, then you are up against a different public than are we."
"Oh, but Mr. Robbins, you are up against After debate on the issues had been exhausted, Mr. Mitchell made a motion which carried, that the demands of the two sides be referred to the scale committee. The convention adjourned at 5:15 o'clock to con-vene at the call of the scale committee.

## SCALE COMMITTEE THAT IS APPOINTED

When the convention was called to order at 10 o'clock yesterday morning and the der of business and credentials had been accepted, the joint wage scale committee was appointed. Each State is entitled to four operators and four miners on the scale committee, as well as four alternates, who shall have neither voice nor vote in the committee. The following is the committee

Pennsylvania. Operators (Prin'p'ls.) Miners (Principals.) Francis L. Robbins. Patrick Dolan. G. W. Schleuderberg. William Dodds O. A. Blackburn. Robert Beattle. W. W. Keefer.

Michael Eichler. (Alternates.) (Alternates.) Thomas Dean. J. T. N. Stonerood. I. W. Hall. Thomas Hardwick. Edward Soppet. Walter Calverly. Owen Cruse.

Miners (Principals.) T. L. Lewis, W. H. Haskins. (Alternates.) G. C. Weitzell. H. E. Willard.

D. H. Sullivan. G. W. Savage. (Alternates.) Michael Collins. William Green. W. H. Worker. C. L. Cassingham. George Cecil. Indiana.

-Bituminous .-

-Block .-

(Alternates.)

-Bituminous.-

George Hargrove.

William Wilson.

William Treager.

Operators (Prin'p'ls.) Miners (Principals.) -Bituminous.-W. S. Bogle. John K. Siefert. A. M. Ogle. -Block .-John McClelland. (Alternates.) -Bituminous .-Hugh Shirkie.

. Smith Talley.

Joseph Freeman.

William Zellar.

E. T. Bent.

F. W. Lukins,

-Block .-

G. W. Lackey. George Cordell. -Liock .-James Cantwell. William Houston. Illinois. Operators (Prin'p'ls.) Miners (Principals.) Thomas Reynolds.

Edward Cahill. W. D. Ryan. H. C. Perry. (Alternates.) (Alternates.) John Walker. W. T. Morris. F. M. Guthrie. A. J. Moorshead.

Edward O'Donnell. WILL RAISE FUNDS FOR MINE VICTIMS

At the session of the joint wage conference yesterday a committee was chosen to devise methods of raising a subscription fund from delegates to the convention to be used for the relief of those affected by the recent mine disaster at the Harwick mines in Pennsylvania. The committee held a meeting during the noon recess and reported at the afternoon session that certain delegates had been chosen to see the members of the concommittee includes the following: F. W.

# Strike of Pawnee Miners.

SPRINGFIELD, Ill., Jan. 29 .- Two hundred employes of the Victor Coal Company at Pawnee struck to-day because Hugh Moran was discharged for exceeding a two days' leave of absence. Hugh White, president of the company, and Commissioner the justice of a reduction to the effect that | Herman Justi, of the Illinois Operators' Association, have requested the men to return

Will Not Reduce Wages. FAYETTEVILLE, W. Va., Jan. 29 .- At a meeting of more than twenty coal operators on New river, employing in the aggregate If you enjoy mufflus and waffles, try Mrs. | Violet A., of this city, and Jane, of Dub- erty prevail among the lower classes to an husband the right to prosecute an action for the public will be satisfied with the present | 9,000 operatives, it was unanimously voted not to reduce the wages of miners this year.

This means no strike in New river territory.